

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* the application of:

Applicant : Zimmerman *et al.*  
Filing Date : January 13, 2004  
Appl. No. : 10/747,647  
Examiner : CINTINS, Ivars C.  
Art Unit : 1724  
Docket No. : 223644-001194  
(P5231DIV)  
Customer No.: 28465

## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service in first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 29, 2004.

Kathryn Walczak  
Name

*Kathryn Walczak*  
Signature

*October 29, 2004*  
Date of Signature

**TERMINAL DISCLAIMER TO OBVIATE**  
**A DOUBLE PATENTING REJECTION (37 CFR 1.321(c))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

I, Thomas W. Ryan, declare as follows:

1. I am the attorney of record for the applicant-assignee, Ecowater Systems, Inc., which is the owner of record of Application Serial No 10/757,647, filed January 13, 2004, for CONTROLLER FOR SALT DOSAGE FOR A WATER SOFTENER AND A METHOD OF REGENERATING A WATER SOFTENER (the "Pending Application").

2. The applicant disclaims the terminal part of any patent granted on the Pending Application which would extend beyond the expiration date of the full statutory term as defined by 35 USC §§154 through 156 and 173, as presently shortened by any previously filed terminal disclaimer, of related U.S. Patent No. 6,284,132 which is commonly assigned to the applicant-assignee of the Pending Application, Ecowater Systems, Inc.

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3. The applicant-assignee agrees that any patent so granted on the Pending Application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to all of the above recited patents, this agreement to run with any patent granted on the application first identified above and to be binding upon the grantor, her successors and assigns.

4. The applicant-assignee does not disclaim any terminal part of any patent granted on the Pending Application prior to the expiration of the full statutory term of the first of the above patents to naturally expire, in the event that such patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any other terminal disclaimer, except for the separation of legal title stated above.

5. A check in the amount of \$110.00 is enclosed to cover the fee for filing a Terminal Disclaimer under 37 CFR 1.20(d). The Commissioner of the United States Patent and Trademark Office is hereby authorized to deduct any deficiency or credit any overpayment to Deposit Account No. 18-2284 of Piper Rudnick LLP.

Respectfully submitted,  
PIPER RUDNICK LLP



Thomas W. Ryan  
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Dated: October 9, 2004

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